

1
2
3
4
5
6
7
8
9
10
11 IN THE UNITED STATES DISTRICT COURT
12 FOR THE NORTHERN DISTRICT OF CALIFORNIA
13

14 JIMMY E. BOOKER, E-87959,)
15 Petitioner,) No. C 11-2311 CRB (PR)
16 vs.) ORDER OF TRANSFER
17 K. DICKINSON, Warden.) (Docket # 3)
18 Respondent.)
19

20 Petitioner seeks federal habeas review of the execution of a sentence imposed by
21 the San Mateo County Superior Court, which lies in this judicial district. See 28 U.S.C.
22 § 84(a). Petitioner is incarcerated at the California Medical Facility in Vacaville, Solano
23 County, which lies in the Eastern District of California. See id. § 84(b).

24 Venue is proper in a habeas action in either the district of conviction or the
25 district of confinement, id. § 2241(d); however, the district of confinement is the
26 preferable forum to review the execution of a sentence. See Habeas L.R. 2254-3(a);
27 Dunne v. Henman, 875 F.2d 244, 249 (9th Cir. 1989); cf. Laue v. Nelson, 279 F. Supp.
28 265, 266 (N.D. Cal. 1968) (district of conviction preferable forum to review conviction).

1 Because Solano County lies in the Eastern District of California, the court orders
2 that pursuant to 28 U.S.C. § 1404(a) and Habeas Local Rule 2254-3(b), and in the
3 interest of justice, this petition be transferred to the United States District Court for the
4 Eastern District of California.

5 The clerk shall transfer this matter and terminate all pending motions as moot.

6 SO ORDERED.

7 DATED: June 15, 2011


CHARLES R. BREYER
United States District Judge